

## TEMPORARY EASEMENT FOR CONSTRUCTION

KNOW ALL BY THESE PRESENTS:

That **Terry R. and Tracy A. Heitz** (hereinafter called "Grantor") in consideration of mutual benefit and other valuable consideration in hand paid by the City of Ankeny, Iowa upon final approval and acceptance of this easement do hereby convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa, a temporary easement across the following described real estate:

As per attached exhibit

That said easement is granted unto the City of Ankeny, Iowa, for the purpose of the access, construction, installation and repair of the following described public improvement:

SE Tributary (B) to Fourmile Creek – Stream Stabilization Project

In connection herewith it is specifically agreed that by this easement, the City of Ankeny shall have the right to enter upon said premises as shall be necessary to construct, inspect, and repair, any and all of said improvements and all appurtenances thereto, together with the right to use said improvements as it deems necessary.

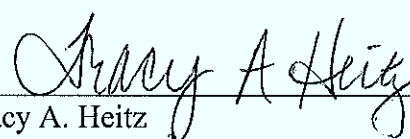
The said municipal corporation shall restore said described land to a satisfactory condition after construction and/or repair in satisfactory condition as per plan.

This easement shall be for the period of time necessary to construct this improvement and will expire upon final acceptance of the project by the City Council of the City of Ankeny.

That the grantors do hereby covenant with said grantee, and successors in interest, that said grantors hold said real estate by title and fee simple; that they have good and lawful authority to sell and convey the same; that said premises are free and clear of all liens and encumbrances whatsoever except as may be hereinabove stated; that said grantors covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

IN WITNESS WHEREOF WE have hereunto affixed our hands this 16<sup>th</sup> day of August, 2010.

BY:   
Terry R. Heitz

BY:   
Tracy A. Heitz

STATE OF IOWA :  
: ss.  
COUNTY OF POLK :

On the 6<sup>th</sup> day of August, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Terry Heitz and Tracy Heitz to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as a voluntary act and deed.

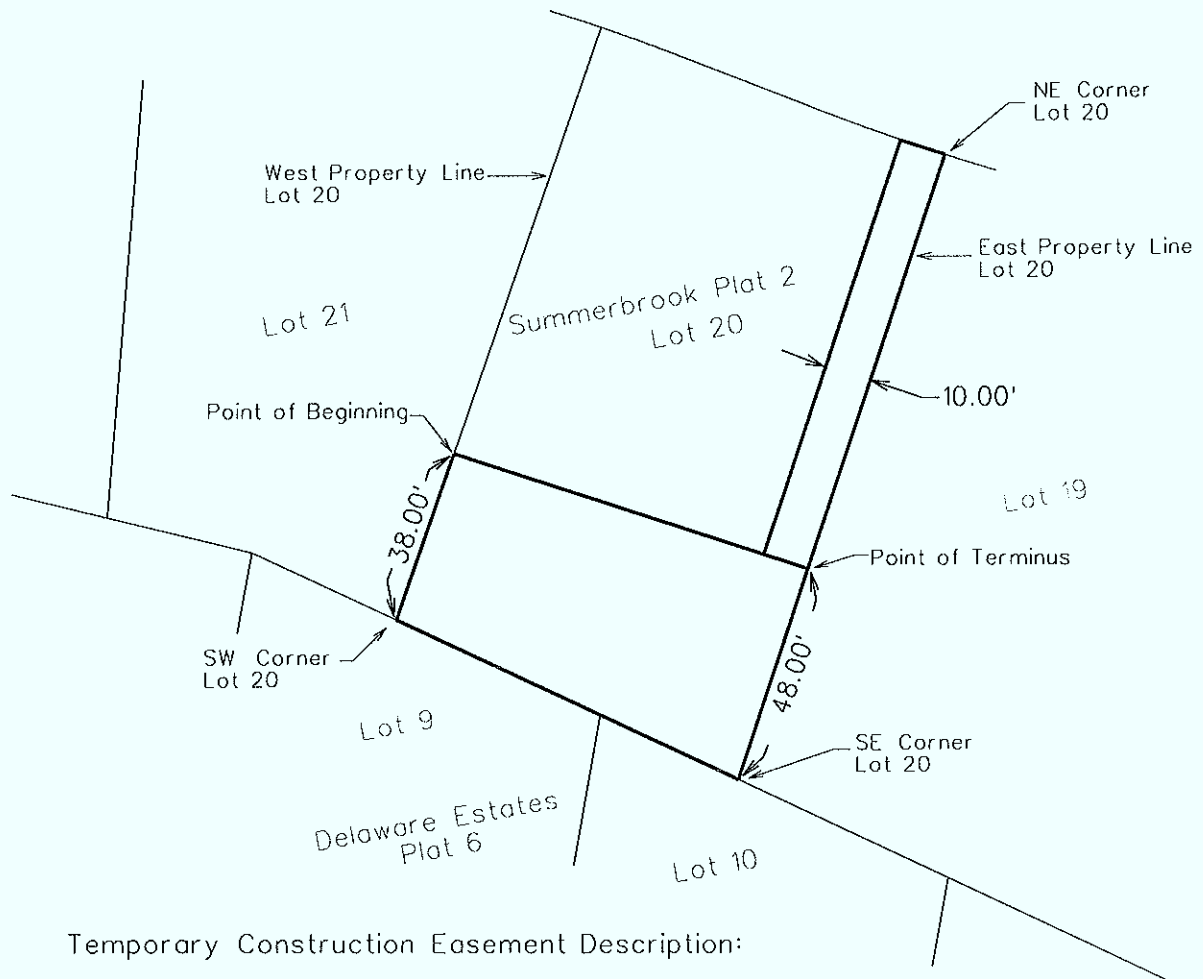


A handwritten signature in dark ink, appearing to read "Nathan Heitz", written over a horizontal line.

Notary in and for the State of Iowa

My Commission Expires 11-13-11

# TEMPORARY CONSTRUCTION EASEMENT

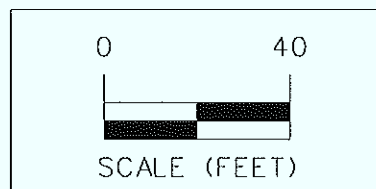


## Temporary Construction Easement Description:

A part of Lot 20, Summerbrook Plat 2, an Official Plat in the City of Ankeny, Polk County, Iowa and lying South of the following described line:

Beginning at a point on the West line of said Lot 20 being 38.00 feet North of the Southwest corner thereof; Thence East to a Point of Terminus on the East line of said Lot 20, said point being 48.00 feet North of the Southeast corner thereof; and The East 10.00 feet of said Lot 20 lying North of the above described line.

Described Temporary Construction Easement contains 4,414 S.F.



## LEGEND

Property Line \_\_\_\_\_  
Temporary Easement Line \_\_\_\_\_

**SE TRIBUTARY (B) TO FOUR MILE CREEK**  
**PARCEL 2 - TERRY & TRACY HEITZ**



**SNYDER & ASSOCIATES**  
Engineers and Planners

2727 S.W. SNYDER BLVD.  
ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 1

PN: 1100450

SCALE: 1" = 40'

DATE: 06/24/10

TECH: JCC